

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 9075
10/23/18

1	CHAPTER 9075. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT		
2	DISTRICT NO. 2		
3	SUBCHAPTER A. GENERAL PROVISIONS		
4	Sec. 9075.0001.	DEFINITION	2
5	Sec. 9075.0002.	FINDINGS OF PUBLIC USE AND BENEFIT	2
6	Sec. 9075.0003.	NATURE OF DISTRICT	3
7	Sec. 9075.0004.	DISTRICT TERRITORY	4
8	Sec. 9075.0005.	COST OF RELOCATING OR ALTERING	
9		PROPERTY	5
10	SUBCHAPTER B. DEFINED AREA		
11	Sec. 9075.0051.	CREATION OF DEFINED AREA; DESIGNATION	6
12	Sec. 9075.0052.	INITIAL TERRITORY	6
13	Sec. 9075.0053.	EXCLUSION OF LAND	8
14	Sec. 9075.0054.	PROCEDURE FOR ELECTION	8
15	Sec. 9075.0055.	TAXES FOR SERVICES, IMPROVEMENTS, AND	
16		FACILITIES	8
17	Sec. 9075.0056.	ISSUANCE OF BONDS	9
18	Sec. 9075.0057.	POWERS AND DUTIES	9
19	Sec. 9075.0058.	AUTHORITY FOR ROAD PROJECTS	10
20	Sec. 9075.0059.	ROAD STANDARDS AND REQUIREMENTS	11
21	Sec. 9075.0060.	IMPROVEMENT PROJECTS AND SERVICES	11
22	Sec. 9075.0061.	ELECTIONS REGARDING TAXES AND BONDS	12
23	Sec. 9075.0062.	OPERATION AND MAINTENANCE TAX	12
24	Sec. 9075.0063.	AUTHORITY TO BORROW MONEY AND TO ISSUE	
25		BONDS AND OTHER OBLIGATIONS	13
26	Sec. 9075.0064.	TAXES FOR BONDS	14

1 CHAPTER 9075. FORT BEND COUNTY WATER CONTROL AND IMPROVEMENT

2 DISTRICT NO. 2

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Revised Law

5 Sec. 9075.0001. DEFINITION. In this chapter, "district"
6 means the Fort Bend County Water Control and Improvement District
7 No. 2 in Fort Bend County and Harris County. (Acts 57th Leg., R.S.,
8 Ch. 312, Sec. 1 (part); Acts 61st Leg., R.S., Ch. 381, Sec. 1
9 (part).)

10 Source Law

11 [Acts 57th Leg., R.S., Ch. 312]

12 Sec. 1. That Fort Bend County Water Control and
13 Improvement District No. 2, lying in Fort Bend and
14 Harris Counties, Texas, hereinafter sometimes
15 referred to as "District,"

16 [Acts 61st Leg., R.S., Ch. 381]

17 Sec. 1. Fort Bend County Water Control and
18 Improvement District No. 2, hereinafter sometimes
19 referred to as "district," in Fort Bend County, Texas,
20

21 Revised Law

22 Sec. 9075.0002. FINDINGS OF PUBLIC USE AND BENEFIT. (a)
23 The district will serve a public use and benefit.

24 (b) All land and other property in the district will benefit
25 from the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 2; Acts
26 61st Leg., R.S., Ch. 381, Sec. 3.)

27 Source Law

28 [Acts 57th Leg., R.S., Ch. 312]

29 Sec. 2. That it is hereby found and determined
30 that all of the land and other property included within
31 the boundaries of the District, as enlarged by this
32 Act, will be benefited, and that such District, as
33 enlarged, will serve a public use and benefit.

34 [Acts 61st Leg., R.S., Ch. 381]

35 Sec. 3. It is hereby found and determined that
36 all of the lands and other property included within the
37 boundaries of the district are, and will be, benefited
38 by said district.

39 Revisor's Note

40 Section 2, Chapter 312, Acts of the 57th
41 Legislature, Regular Session, 1961, refers to the Fort
42 Bend County Water Control and Improvement District

1 No. 2 as "the District, as enlarged by this Act"
2 because that act added territory to the district. The
3 revised law omits the language referring to the
4 enlargement as executed because the district territory
5 described in Section 1, Chapter 312, Acts of the 57th
6 Legislature, Regular Session, 1961, revised in Section
7 9075.0004 of this chapter, includes the territory
8 added by that act.

9 Revised Law

10 Sec. 9075.0003. NATURE OF DISTRICT. The district is a
11 conservation and reclamation district under Section 59, Article
12 XVI, Texas Constitution. (Acts 61st Leg., R.S., Ch. 381, Sec. 1
13 (part).)

14 Source Law

15 Sec. 1. [Fort Bend County Water Control and
16 Improvement District No. 2] . . . is hereby in all
17 things validated and is hereby declared to be a validly
18 existing and operating conservation and reclamation
19 district under Section 59, Article XVI of the
20 Constitution of Texas. . . .

21 Revisor's Note

22 Section 1, Chapter 381, Acts of the 61st
23 Legislature, Regular Session, 1969, provides that the
24 Fort Bend County Water Control and Improvement
25 District No. 2 is "hereby in all things validated and
26 is hereby declared to be a validly existing and
27 operating conservation and reclamation district." The
28 revised law omits the language regarding the
29 validation of the district because it served its
30 purpose on the day it took effect and is executed law.
31 Section 311.031(a)(2), Government Code (Code
32 Construction Act), provides that the repeal of a
33 statute does not affect any validation previously made
34 under the statute. Therefore, the omission of the
35 executed validation provision does not affect the
36 validation.

1 Revised Law

2 Sec. 9075.0004. DISTRICT TERRITORY. The district is
3 composed of the territory described by Section 1, Chapter 312, Acts
4 of the 57th Legislature, Regular Session, 1961, as that territory
5 may have been modified under:

- 6 (1) Subchapter J, Chapter 49, Water Code;
7 (2) Subchapter O, Chapter 51, Water Code; or
8 (3) other law. (Acts 57th Leg., R.S., Ch. 312, Sec. 1
9 (part); New.)

10 Source Law

11 Sec. 1. [That Fort Bend County Water Control and
12 Improvement District No. 2,] . . . shall be enlarged,
13 and the boundaries of such District, as enlarged,
14 shall hereafter be defined as follows:
15 . . .

16 Revisor's Note

17 (1) Section 1, Chapter 312, Acts of the 57th
18 Legislature, Regular Session, 1961, adds territory to
19 the district. That section provides that the district
20 "shall be enlarged," refers to the district "as
21 enlarged," and includes a description of the
22 district's enlarged territory. The revised law omits
23 the language about the enlargement as executed for the
24 reason stated in the Revisor's Note to Section
25 9075.0002 of this chapter.

26 (2) The revision of the law governing the
27 district does not revise the statutory language in
28 Section 1, Chapter 312, Acts of the 57th Legislature,
29 Regular Session, 1961, describing the territory of the
30 district to avoid the lengthy recitation of the
31 description and because that description may not be
32 accurate on the effective date of the revision or at
33 the time of a later reading. For the reader's
34 convenience, the revised law includes a reference to
35 the statutory description of the district's territory.
36 For the reader's convenience, the revised law also

1 includes references to statutory authority to change
2 the district's territory under Subchapter J, Chapter
3 49, Water Code, applicable to the district under
4 Sections 49.001 and 49.002 of that chapter, and
5 Subchapter O, Chapter 51, Water Code, applicable to
6 water control and improvement districts, including the
7 Fort Bend County Water Control and Improvement
8 District No. 2, which was created as a water control
9 and improvement district by an order of the State Board
10 of Water Engineers in 1946. The revised law also
11 includes a reference to the general authority of the
12 legislature to enact other laws to change the
13 district's territory.

14 Revised Law

15 Sec. 9075.0005. COST OF RELOCATING OR ALTERING PROPERTY.

16 (a) In this section, "sole expense" means the actual cost of
17 relocating, raising, lowering, rerouting, changing the grade of, or
18 altering the construction of a facility described by Subsection (b)
19 in providing comparable replacement without enhancement of the
20 facility, after deducting from that cost the net salvage value
21 derived from the old facility.

22 (b) If the district's exercise of the power of eminent
23 domain, the power of relocation, or any other power granted by this
24 chapter makes necessary relocating, raising, rerouting, changing
25 the grade of, or altering the construction of a highway, railroad,
26 electric transmission line, telephone or telegraph property or
27 facility, or pipeline, the necessary action shall be accomplished
28 at the sole expense of the district. (Acts 57th Leg., R.S., Ch. 312,
29 Sec. 6.)

30 Source Law

31 Sec. 6. In the event that the District, in the
32 exercise of the power of eminent domain or power of
33 relocation, or any other power granted hereunder,
34 makes necessary the relocation, raising, re-routing,
35 or changing of grade, or altering the construction of
36 any highway, railroad, electric transmission line,
37 telephone or telegraph properties and facilities, or

1 pipeline, all such necessary relocation, raising,
2 re-routing, changing of grade or alteration of
3 construction shall be accomplished at the sole expense
4 of the District. The term "sole expense" shall mean
5 the actual cost of such relocation, raising, lowering,
6 re-routing, or change in grade or alteration of
7 construction in providing comparable replacement
8 without enhancement of such facilities, after
9 deducting therefrom the net salvage value derived from
10 the old facility.

11 Revisor's Note
12 (End of Subchapter)

13 Section 5, Chapter 312, Acts of the 57th
14 Legislature, Regular Session, 1961, provides that the
15 district may add or annex land as provided by law. The
16 revised law omits that provision as unnecessary.
17 Subchapter J, Chapter 49, and Subchapter O, Chapter
18 51, Water Code, provide for the annexation of land to
19 certain districts. Those subchapters apply to the
20 district for the reasons stated in Revisor's Note (2)
21 to Section 9075.0004 of this chapter. The omitted law
22 reads:

23 Sec. 5. Such District is hereby
24 authorized hereafter to add or annex
25 additional land thereto in the manner now or
26 hereafter provided by law for addition or
27 annexation of land to such Districts.

28 SUBCHAPTER B. DEFINED AREA

29 Revised Law

30 Sec. 9075.0051. CREATION OF DEFINED AREA; DESIGNATION. (a)
31 A defined area is created in the district.

32 (b) The defined area is designated to pay for improvements,
33 facilities, or services that primarily benefit the defined area and
34 do not generally benefit the district as a whole. (Acts 57th Leg.,
35 R.S., Ch. 312, Sec. 9.)

36 Source Law

37 Sec. 9. (a) A defined area is created in the
38 district.

39 (b) The defined area is designated to pay for
40 improvements, facilities, or services that primarily
41 benefit the defined area and do not generally benefit
42 the district as a whole.

43 Revised Law

44 Sec. 9075.0052. INITIAL TERRITORY. (a) The defined area is

1 initially composed of the territory described by Section 2, Chapter
2 669, Acts of the 84th Legislature, Regular Session, 2015.

3 (b) The boundaries and field notes contained in Section 2,
4 Chapter 669, Acts of the 84th Legislature, Regular Session, 2015,
5 form a closure. A mistake made in the field notes or in copying the
6 field notes in the legislative process does not affect:

7 (1) the defined area's organization, existence, or
8 validity;

9 (2) the district's right to issue any type of bond or
10 obligation for the purposes for which the defined area is
11 designated, including to pay the principal of and interest on a
12 bond;

13 (3) the district's right to impose or collect a tax in
14 the defined area; or

15 (4) the legality or operation of the defined area or
16 the district. (Acts 57th Leg., R.S., Ch. 312, Sec. 10.)

17 Source Law

18 Sec. 10. (a) The defined area is initially
19 composed of the territory described by Section 2 of the
20 Act enacting this section.

21 (b) The boundaries and field notes contained in
22 Section 2 of the Act enacting this section form a
23 closure. A mistake made in the field notes or in
24 copying the field notes in the legislative process
25 does not affect:

26 (1) the defined area's organization,
27 existence, or validity;

28 (2) the district's right to issue any type
29 of bond or obligation for the purposes for which the
30 defined area is designated, including to pay the
31 principal of and interest on a bond;

32 (3) the district's right to impose or
33 collect a tax in the defined area; or

34 (4) the legality or operation of the
35 defined area or the district.

36 Revisor's Note

37 The revision of the law governing the defined
38 area of the district does not revise the statutory
39 description of the initial territory of the defined
40 area contained in Section 2, Chapter 669, Acts of the
41 84th Legislature, Regular Session, 2015, to avoid the
42 lengthy recitation of the description and because that

description may not be accurate on the effective date
of the revision or at the time of a later reading.

Revised Law

Sec. 9075.0053. EXCLUSION OF LAND. Subject to the City of
Stafford providing written consent by ordinance or resolution, the
district may exclude land from the defined area in the same manner
as the district may exclude land from the district. (Acts 57th Leg.,
R.S., Ch. 312, Sec. 11.)

Source Law

Sec. 11. Subject to the City of Stafford
providing written consent by ordinance or resolution,
the district may exclude land from the defined area in
the same manner as the district may exclude land from
the district.

Revised Law

Sec. 9075.0054. PROCEDURE FOR ELECTION. (a) Before the
district may impose an ad valorem tax or issue bonds payable from ad
valorem taxes of the defined area, the governing body of the
district must call and hold an election in the defined area only.

(b) The governing body of the district may submit the
proposition to the voters on the same ballot to be used in another
election. (Acts 57th Leg., R.S., Ch. 312, Sec. 12.)

Source Law

Sec. 12. (a) Before the district may impose an
ad valorem tax or issue bonds payable from ad valorem
taxes of the defined area described by Section 9, the
governing body of the district shall call and hold an
election in the defined area only.

(b) The governing body of the district may
submit the proposition to the voters on the same ballot
to be used in another election.

Revised Law

Sec. 9075.0055. TAXES FOR SERVICES, IMPROVEMENTS, AND
FACILITIES. On approval of the voters in the defined area, the
district may apply separately, differently, equitably, and
specifically its taxing power and lien authority to the defined
area to provide money to construct, administer, maintain, and
operate services, improvements, and facilities that primarily
benefit the defined area. (Acts 57th Leg., R.S., Ch. 312, Sec. 13.)

1 Source Law

2 Sec. 13. On approval of the qualified voters in
3 the defined area, the district may apply separately,
4 differently, equitably, and specifically its taxing
5 power and lien authority to the defined area to provide
6 money to construct, administer, maintain, and operate
7 services, improvements, and facilities that primarily
8 benefit the defined area.

9 Revisor's Note

10 Section 13, Chapter 312, Acts of the 57th
11 Legislature, Regular Session, 1961, refers to approval
12 of "qualified voters." Throughout this chapter, the
13 revised law omits descriptions of voters as
14 "qualified" as unnecessary because Chapter 11,
15 Election Code, governs eligibility to vote in an
16 election in this state and allows only "qualified"
17 voters who are residents of the territory covered by
18 the election to vote in an election.

19 Revised Law

20 Sec. 9075.0056. ISSUANCE OF BONDS. On approval of the
21 voters in the defined area, the district may issue bonds to provide
22 for any land, improvements, facilities, plants, equipment, and
23 appliances for the defined area. (Acts 57th Leg., R.S., Ch. 312,
24 Sec. 14.)

25 Source Law

26 Sec. 14. On approval of the qualified voters in
27 the defined area, the district may issue bonds to
28 provide for any land, improvements, facilities,
29 plants, equipment, and appliances for the defined
30 area.

31 Revised Law

32 Sec. 9075.0057. POWERS AND DUTIES. (a) For the benefit of
33 the defined area, the district has the powers and duties provided by
34 the general law of this state necessary to accomplish the purposes
35 of:

- 36 (1) Section 59, Article XVI, Texas Constitution;
37 (2) Section 52, Article III, Texas Constitution,
38 applicable to the construction, acquisition, improvement,
39 operation, or maintenance of macadamized, graveled, or paved roads,

1 or improvements, including storm drainage, in aid of those roads;
2 and

3 (3) except as provided by this chapter, Chapters 49
4 and 51, Water Code, applicable to water control and improvement
5 districts created under Section 59, Article XVI, Texas
6 Constitution.

7 (b) Except as provided by Subsection (c), the governing body
8 of the district shall administer the defined area as provided by
9 Chapter 51, Water Code.

10 (c) Sections 51.518, 51.519, 51.520, 51.521, 51.522,
11 51.523, 51.524, 51.526, 51.527, 51.528, and 51.529, Water Code, do
12 not apply to the district. (Acts 57th Leg., R.S., Ch. 312, Sec.
13 15.)

14 Source Law

15 Sec. 15. (a) For the benefit of the defined
16 area, the district has the powers and duties provided
17 by the general law of this state necessary to
18 accomplish the purposes of:

19 (1) Section 59, Article XVI, Texas
20 Constitution;

21 (2) Section 52, Article III, Texas
22 Constitution, applicable to the construction,
23 acquisition, improvement, operation, or maintenance
24 of macadamized, graveled, or paved roads, or
25 improvements, including storm drainage, in aid of
26 those roads; and

27 (3) except as provided by this chapter,
28 Chapters 49 and 51, Water Code, applicable to water
29 control and improvement districts created under
30 Section 59, Article XVI, Texas Constitution.

31 (b) Except as provided by Subsection (c), the
32 governing body of the district shall administer the
33 defined area as provided by Chapter 51, Water Code.

34 (c) Sections 51.518, 51.519, 51.520, 51.521,
35 51.522, 51.523, 51.524, 51.526, 51.527, 51.528, and
36 51.529, Water Code, do not apply to the district.

37 Revised Law

38 Sec. 9075.0058. AUTHORITY FOR ROAD PROJECTS. Under Section
39 52, Article III, Texas Constitution, for the benefit of the defined
40 area, the district may design, acquire, construct, finance, issue
41 bonds for, improve, operate, maintain, and convey to this state, a
42 county, or a municipality for operation and maintenance
43 macadamized, graveled, or paved roads, or improvements, including
44 storm drainage, in aid of those roads, including roads located

1 outside the boundaries of the defined area that benefit the defined
2 area. (Acts 57th Leg., R.S., Ch. 312, Sec. 16.)

3 Source Law

4 Sec. 16. Under Section 52, Article III, Texas
5 Constitution, for the benefit of the defined area, the
6 district may design, acquire, construct, finance,
7 issue bonds for, improve, operate, maintain, and
8 convey to this state, a county, or a municipality for
9 operation and maintenance macadamized, graveled, or
10 paved roads, or improvements, including storm
11 drainage, in aid of those roads, including roads
12 located outside the boundaries of the defined area
13 that benefit the defined area.

14 Revised Law

15 Sec. 9075.0059. ROAD STANDARDS AND REQUIREMENTS. A road
16 project must meet all applicable construction standards, zoning and
17 subdivision requirements, and regulations of each municipality in
18 whose corporate limits or extraterritorial jurisdiction the road
19 project is located. (Acts 57th Leg., R.S., Ch. 312, Sec. 17.)

20 Source Law

21 Sec. 17. A road project must meet all applicable
22 construction standards, zoning and subdivision
23 requirements, and regulations of each municipality in
24 whose corporate limits or extraterritorial
25 jurisdiction the road project is located.

26 Revised Law

27 Sec. 9075.0060. IMPROVEMENT PROJECTS AND SERVICES. For the
28 benefit of the defined area, the district may provide, design,
29 construct, acquire, improve, relocate, operate, maintain, or
30 finance an improvement project or service using any money available
31 to the district, or contract with a governmental or private entity
32 to provide, design, construct, acquire, improve, relocate,
33 operate, maintain, or finance an improvement project or service
34 authorized under this chapter. (Acts 57th Leg., R.S., Ch. 312, Sec.
35 18.)

36 Source Law

37 Sec. 18. For the benefit of the defined area,
38 the district may provide, design, construct, acquire,
39 improve, relocate, operate, maintain, or finance an
40 improvement project or service using any money
41 available to the district, or contract with a
42 governmental or private entity to provide, design,
43 construct, acquire, improve, relocate, operate,
44 maintain, or finance an improvement project or service

1 authorized under this chapter.

2 Revised Law

3 Sec. 9075.0061. ELECTIONS REGARDING TAXES AND BONDS. (a)

4 For the benefit of the defined area, the district may issue, without
5 an election, bonds, notes, and other obligations secured by revenue
6 other than ad valorem taxes.

7 (b) The district must hold an election in the defined area
8 to obtain approval of the voters of the defined area before the
9 district may impose an ad valorem tax or issue bonds payable from ad
10 valorem taxes in the defined area.

11 (c) An election under this section does not require that an
12 election be held in the part of the district located outside the
13 defined area.

14 (d) All or any part of any facilities or improvements that
15 may be acquired by a district through the issuance of bonds may be
16 submitted as a single proposition or as several propositions to be
17 voted on at the election. (Acts 57th Leg., R.S., Ch. 312, Sec. 19.)

18 Source Law

19 Sec. 19. (a) For the benefit of the defined
20 area, the district may issue, without an election,
21 bonds, notes, and other obligations secured by revenue
22 other than ad valorem taxes.

23 (b) The district must hold an election in the
24 defined area to obtain approval of the qualified
25 voters of the defined area before the district may
26 impose an ad valorem tax or issue bonds payable from ad
27 valorem taxes in the defined area.

28 (c) An election under this section does not
29 require that an election be held in the part of the
30 district located outside the defined area.

31 (d) All or any part of any facilities or
32 improvements that may be acquired by a district by the
33 issuance of its bonds may be submitted as a single
34 proposition or as several propositions to be voted on
35 at the election.

36 Revised Law

37 Sec. 9075.0062. OPERATION AND MAINTENANCE TAX. (a) If
38 authorized by a majority of the voters in the defined area voting at
39 an election held in accordance with Section 9075.0061, the district
40 may impose an operation and maintenance tax on taxable property in
41 the defined area in accordance with Section 49.107, Water Code, for
42 any district purpose, including to:

1 (Acts 57th Leg., R.S., Ch. 312, Sec. 21.)

2 Source Law

3 Sec. 21. (a) For the benefit of the defined
4 area, the district may borrow money on terms
5 determined by the governing body of the district.

6 (b) The district may issue bonds, notes, or
7 other obligations payable wholly or partly from ad
8 valorem taxes, impact fees, revenue, grants, or other
9 district money, or any combination of those sources of
10 money from the defined area, to pay for any authorized
11 district purpose.

12 (c) The limitation on the outstanding principal
13 amount of bonds, notes, and other obligations provided
14 by Section 49.4645, Water Code, does not apply to the
15 district.

16 (d) The district must obtain approval from the
17 Texas Commission on Environmental Quality as provided
18 by Chapter 49, Water Code, before the district issues
19 bonds to provide water, sewer, or drainage facilities
20 for the benefit of the defined area.

21 Revised Law

22 Sec. 9075.0064. TAXES FOR BONDS. At the time the district
23 issues bonds payable wholly or partly from ad valorem taxes from the
24 defined area, the governing body of the district shall provide for
25 the annual imposition of a continuing direct annual ad valorem tax,
26 without limit as to rate or amount, for each year that all or part of
27 the bonds are outstanding as required and in the manner provided by
28 Sections 51.433 and 51.436, Water Code. (Acts 57th Leg., R.S., Ch.
29 312, Sec. 22.)

30 Source Law

31 Sec. 22. At the time the district issues bonds
32 payable wholly or partly from ad valorem taxes from the
33 defined area, the governing body of the district shall
34 provide for the annual imposition of a continuing
35 direct annual ad valorem tax, without limit as to rate
36 or amount, for each year that all or part of the bonds
37 are outstanding as required and in the manner provided
38 by Sections 51.433 and 51.436, Water Code.

39 Revisor's Note
40 (End of Chapter)

41 (1) Section 3, Chapter 312, Acts of the 57th
42 Legislature, Regular Session, 1961, authorizes the
43 governing body of the district to call and hold an
44 election for the enlarged district on assuming debt
45 and levying taxes. Because that election has been
46 held, the revised law omits that section as executed.

1 The omitted law reads:

2 Sec. 3. The District's governing
3 body is hereby authorized to call and hold
4 an assumption of indebtedness election or
5 elections in said District, as enlarged, on
6 the question of the assumption by said
7 District, as enlarged, of the indebtedness
8 of such District, and the proposition to be
9 submitted shall be "For the assumption of
10 indebtedness of Fort Bend County Water
11 Control and Improvement District No. 2, as
12 enlarged, and the levy of taxes adequate to
13 provide for the payment thereof," and the
14 contrary thereof. The time and place or
15 places of holding said election shall be
16 designated in the election order, and such
17 election shall be held not less than fifteen
18 (15) days from the date of such order.
19 Notice of such election shall be given by
20 posting a substantial copy of the election
21 order at one (1) public place within said
22 District. Such notice shall also be
23 published on the same day in each of two (2)
24 successive weeks in a newspaper of general
25 circulation in said District and published
26 in either Fort Bend or Harris County, Texas.
27 The date of such posting and the date of the
28 first publication shall be not less than
29 fourteen (14) days prior to the date set for
30 said election. Only duly qualified
31 resident electors of said District, as
32 enlarged, who own taxable property within
33 said District, as enlarged, and who have
34 duly rendered the same for taxation shall
35 vote at said election.

36 (2) Section 4, Chapter 312, Acts of the 57th
37 Legislature, Regular Session, 1961, Sections 1 (in
38 part) and 2, Chapter 381, Acts of the 61st Legislature,
39 Regular Session, 1969, and Section 4(a), Chapter 669,
40 Acts of the 84th Legislature, Regular Session, 2015,
41 validate certain acts performed by the district. The
42 revised law omits those provisions because they served
43 their purpose on the day they took effect and are
44 executed law. Section 311.031(a)(2), Government Code
45 (Code Construction Act), provides that the repeal of a
46 statute does not affect any validation previously made
47 under the statute. Therefore, the omission of the
48 executed validation provisions does not affect those
49 validations. The omitted law reads:

50 [Acts 57th Leg., R.S., Ch. 312]

51 Sec. 4. All governmental proceedings

1 (including but not limited to the issuance,
2 sale and delivery of its notes, bonds or
3 other obligations) and acts performed by
4 the governing board of said District and all
5 officers thereof in connection with said
6 District are hereby in all things validated
7 as of the respective date of such
8 proceedings and acts.

9 [Acts 61st Leg., R.S., Ch. 381]

10 Sec. 1. . . . Without in any way
11 limiting the generalization of the
12 foregoing, it is expressly provided that
13 all proceedings by which lands have been
14 added or annexed to said district since its
15 creation are hereby in all things
16 validated.

17 Sec. 2. All governmental proceedings
18 and acts performed by the governing body of
19 said district and all officials thereof in
20 connection with said district are hereby in
21 all things validated as of the respective
22 date of such proceedings and acts.

23 [Acts 84th Leg., R.S., Ch. 669]

24 Sec. 4. (a) The legislature
25 validates and confirms all acts and
26 proceedings of the Fort Bend County Water
27 Control and Improvement District No. 2 that
28 were taken before the effective date of this
29 Act.

30 (3) Section 4, Chapter 381, Acts of the 61st
31 Legislature, Regular Session, 1969, provides that
32 Chapter 381 does not validate any governmental act or
33 proceeding that is the subject of pending litigation
34 and that is ultimately determined to be invalid.
35 Section 4(b), Chapter 669, Acts of the 84th
36 Legislature, Regular Session, 2015, provides that a
37 certain provision of Chapter 669 does not apply to any
38 matter that has been held by a final court judgment to
39 be invalid or that is the subject of pending litigation
40 and ultimately determined to be invalid. Those
41 provisions are omitted from the revised law as
42 executed and because Sections 311.031(a)(1) and (2),
43 Government Code (Code Construction Act), provide that
44 the repeal of a statute does not affect the prior
45 operation of a statute or any validation, cure, right,
46 privilege, obligation, or liability acquired,
47 accrued, accorded, or incurred under the statute. The

omitted law reads:

[Acts 61st Leg., R.S., Ch. 381]

Sec. 4. This Act shall not be construed as validating any governmental act or proceeding, if at the time this Act becomes effective said governmental act or proceeding was the subject of litigation pending in any court of competent jurisdiction, if such litigation is ultimately determined against the legality thereof.

[Acts 84th Leg., R.S., Ch. 669]

[Sec. 4]

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or

(2) has been held invalid by a final judgment of a court.

(4) Section 3, Chapter 669, Acts of the 84th Legislature, Regular Session, 2015, states that the district retains all rights, powers, privileges, authorities, duties, and functions it had before the enactment of that act. The revised law omits that provision as unnecessary because an accepted general principle of statutory construction requires a statute to be given cumulative effect with other statutes unless the statute provides otherwise or the statutes are in conflict. Chapter 669 provides additional authority to the district without limiting or conflicting with the district's existing law. The omitted law reads:

Sec. 3. The Fort Bend County Water Control and Improvement District No. 2 retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

(5) Section 7, Chapter 312, Acts of the 57th Legislature, Regular Session, 1961, and Section 5, Chapter 381, Acts of the 61st Legislature, Regular Session, 1969, provide that the act is severable. The revised law omits those provisions because the same

1 result is produced by application of Section 311.032,
2 Government Code (Code Construction Act), which
3 provides that a provision of a statute is severable
4 from each other provision of the statute that can be
5 given effect. The omitted law reads:

6 [Acts 57th Leg., R.S., Ch. 312]

7 Sec. 7. If any word, phrase,
8 sentence, paragraph, section or other part
9 of this Act or the application thereof to
10 any person or circumstance shall ever be
11 held to be invalid or unconstitutional, the
12 remainder of the Act and the application of
13 such word, phrase, sentence, paragraph,
14 section or other part of this Act to other
15 persons or circumstances shall not be
16 affected thereby.

17 [Acts 61st Leg., R.S., Ch. 381]

18 Sec. 5. If any word, phrase,
19 sentence, paragraph, section or other part
20 of this Act or the application thereto to
21 any person or circumstance shall ever be
22 held to be invalid or unconstitutional, the
23 remainder of the Act and the application of
24 such word, phrase, sentence, paragraph,
25 section or other part of this Act to other
26 persons or circumstances shall not be
27 affected thereby.

28 (6) Section 5, Chapter 669, Acts of the 84th
29 Legislature, Regular Session, 2015, recites
30 legislative findings regarding procedural
31 requirements for legislation affecting the district
32 under the constitution and other laws and rules,
33 including proper legal notice and the filing of
34 recommendations. The revised law omits those
35 provisions as executed. The omitted law reads:

36 Sec. 5. (a) The legal notice of the
37 intention to introduce this Act, setting
38 forth the general substance of this Act, has
39 been published as provided by law, and the
40 notice and a copy of this Act have been
41 furnished to all persons, agencies,
42 officials, or entities to which they are
43 required to be furnished under Section 59,
44 Article XVI, Texas Constitution, and
45 Chapter 313, Government Code.

46 (b) The governor, one of the required
47 recipients, has submitted the notice and
48 Act to the Texas Commission on
49 Environmental Quality.

50 (c) The Texas Commission on
51 Environmental Quality has filed its
52 recommendations relating to this Act with

1 the governor, the lieutenant governor, and
2 the speaker of the house of representatives
3 within the required time.

4 (d) All requirements of the
5 constitution and laws of this state and the
6 rules and procedures of the legislature
7 with respect to the notice, introduction,
8 and passage of this Act are fulfilled and
9 accomplished.